

REMARKS

Claims remaining in the present application are Claims 5-16 and 22-29. Claims 5, 11, 22, and 26 have been amended. No new matter has been added as a result of these amendments.

CLAIM REJECTIONS

35 U.S.C. §103

Claims 5-16, 22-25, 28, and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over in combination of Abdous et al, US Patent Number 5,577,210 (hereinafter Abdous) and Schwitters et al, U.S. Pat. No. 6,526,413 (hereinafter Schwitters) and Applicant Admitted Prior Art (Figure 1), (hereinafter AAPA), in further view of Boothby, US Patent Number 6,405,218 (hereinafter Boothby). The rejections to Claims 5-16, 22-25, 28, and 29 are respectfully traversed for the following reasons. It is respectfully submitted that Claims 5-16, 22-25, 28, and 29 are neither taught nor suggested by Abdous, Schwitters, AAPA, or Boothby, alone or in combination.

CLAIM 5

Claim 5 recites:

A method of restoring basic functionality to a device comprising the steps of:
a) making a connection between a bootstrap server and a portable computer system;
b) synchronizing said bootstrap server with said portable computer system, wherein said server uses synchronization software which is compatible with a core set of communication functions stored in said portable computer system's non-volatile memory;
c) transferring first software from said bootstrap server to a volatile memory unit of said portable computer system, wherein said portable computer system regains basic functionality for connecting to an enterprise server; and
d) said portable computer system connecting to and transferring information with said enterprise server using said first software, said information transferred with said enterprise server and said first software from said bootstrap server retainable in said portable computer system upon powering off and retrievable from said portable computer system upon powering on.

Claim 5, in part, recites: "said information transferred with said enterprise server and said first software from said bootstrap server retainable in said portable computer system upon powering off and retrievable from said portable computer system upon powering on." Thus, Applicant requires a portable computer system that can retain information such that when the portable computer system is turned off, the data contained therein is retained.

Abdous, as understood by Applicant, describes an invention for utilization in a computer system that is not configured with a magnetic peripheral, e.g., a hard disk or a diskette reader (Column 1, lines 23-26). Applicant also understands Abdous to describe as an object of the invention a method to enable remote booting of a computer system in which the computer system is not configured with a magnetic peripheral (Column 1, lines 65-67). Applicant additionally understands Abdous to describe the computer system upon which the invention is practiced as invoking the described method each time the computer system is powered up (Column 2, lines 13-14) and each time the operating system of a terminal is executed (Column 4, lines 41-46). Thus, as understood by Applicant, Abdous describes remote booting each time a terminal computer system is powered up. Abdous, as further understood by Applicant, describes chapters loaded from a server into the terminal are disposed within the random access memory (volatile memory) of the terminal computer system (Column 2, lines 16-23 and lines 31-39; Column 3, lines 16-23; Claim 1, column 11, lines 7-16, lines 18-21; and Claim 11, Column 12, lines 33-35). Thus, as understood by Applicant, Abdous describes a terminal computer system in which data loaded from a server is lost each time the terminal computer system is powered off.

Abdous, as stated by the rejection, makes a connection between a terminal and a bootstrap server, in which the rejection considers the terminal a portable computer system. Applicant respectfully traverses the rejection's assertion that the terminal in Abdous can be a portable computer system.

As understood by Applicant, Abdous does not suggest or describe a terminal, much less a portable computer system, in which "said information transferred with said enterprise server and said first software from said bootstrap server retainable in said portable computer system upon powering off and retrievable from said portable computer system upon powering on," as recited.

Continuing, the Abdous reference, as understood by Applicant, is predicated upon the fact that the terminal is not configured with a magnetic device, e.g., hard disk, diskette reader, etc. for storing data. Thus, as understood by Applicant, by describing a terminal in which data is not retained when powered off, Abdous teaches directly away from the limitation of Claim 5 which recites "said information transferred with said enterprise server and said first software from said bootstrap server retainable in said portable computer system upon powering off and retrievable from said portable computer system upon powering on," as claimed.

Abdous, as stated by the rejection, describes synchronizing said bootstrap server with said terminal computer system. In Abdous, the data exchanged during the synchronization is lost when the terminal is turned off. Thus, as understood by Applicant, Abdous teaches away from the recited limitations of Claim 5 because data in the terminal computer system is lost when the terminal is turned off. Conversely, Claim 5 recites "said information transferred with said enterprise server and said first software from said bootstrap server retainable in said portable

computer system upon powering off and retrievable from said portable computer system upon powering on." as claimed.

Abdous, as stated by the rejection, describes transferring first software from said bootstrap server to a volatile memory unit of the terminal computer system. In Abdous, the first software is lost when the terminal computer system is turned off. Thus, as understood by Applicant, Abdous teaches away from recited limitation of Claim 5 which claims "said information transferred with said enterprise server and said first software from said bootstrap server retainable in said portable computer system upon powering off and retrievable from said portable computer system upon powering on."

Applicant respectfully asserts that Abdous teaches away from combining Abdous in view of Schwitters to arrive at the limitations of Claim 5. Schwitters describes a portable computer system with long term data storage. To implement Schwitters in Abdous, Applicant is unclear as how to modify Schwitters to conform to the prerequisites of Abdous. If Schwitters disables the long term data storage within the portable compute system, this detrimentally affects the functionality of the portable computer system of Schwitters. If Abdous is modified to provide long term data storage that is not lost when the power is turned off, this teaches away from Abdous when the objects and functionalities of Abdous are considered. Thus, Applicant respectfully asserts that the combination of Abdous, in view of Schwitters is contraindicated.

Applicant respectfully asserts that Abdous teaches away from combining Boothby to arrive at the limitations of Claim 5. Applicant further asserts that Abdous teaches away from combining Schwitters in view of Boothby to arrive at the claimed

limitation of Claim 5. Boothby describes a portable computer system with means to retain for long term data storage whether the system is on or off. Further, Boothby, as understood by Applicant, teaches a local and remote computer in which a corresponding database is stored (Column 5, lines 38-40). To implement Boothby in Abdous, Applicant is unclear as how to modify Boothby to conform to the prerequisites of Abdous. If Boothby disables the long term data storage within the portable computer system, this detrimentally affects the functionality of the portable computer system of Boothby, thus preventing Boothby from storing the database in the portable computer system. If the system in Abdous is modified to provide long term data storage whether powered on or off, this teaches directly away from Abdous when the objects and functionalities of Abdous are considered. Thus, Applicant respectfully asserts that the combination of Abdous, in view of Schwitters, in further view of Boothby, is contraindicated.

Additionally, Abdous teaches away from combining AAPA to arrive at the limitations of Claim 5 in that Abdous describes an Ethernet card enabling communication between a server and the terminal. Further, Abdous does not suggest, teach, or describe a connection made using alternative connection means, e.g., a cradle. Additionally, neither Schwitters or Boothby describe or suggest cradle implementation enabling communication. Applicant respectfully asserts that the combination of Abdous in view of Schwitters in view of AAPA in view of Boothby is contraindicated.

Further, as stated above, Abdous requires no long term storage for any data received therewithin. Thus, whether or not AAPA is combined (contraindicated) with Abdous, alone or in combination with Schwitters in view of Boothby, any data received via the cradle is not retained in Abdous. Thus, the cited combination of Abdous, in view

of Schwitters, in further view of AAPA, in view of Boothby, does not teach the limitations of Claim 5.

For the foregoing rationale, the limitations of Claim 5 are neither taught, suggested, or described by Abdous, in view of Schwitters, in further view of AAPA, in further view of Boothby, alone or in combination. As such, allowance of Claim 5 is respectfully solicited.

Claims 6-10 depend from Claim 5, which is to be believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 6-10 has been overcome and their allowance is earnestly solicited.

CLAIM 11

Claim 11 recites:

A server for restoring basic functionality to a portable computer system comprising:
a bootstrap server having bootstrap synchronization software stored thereon, said bootstrap synchronization software operable to allow a portable computer system to synchronize with said bootstrap server via other than a cradle device by using non-volatile memory based synchronization software stored in non-volatile memory on said portable computer system that is adapted to synchronize said portable computer system via a cradle device; and
a modem coupled to said bootstrap server, said modem for allowing said portable computer system to communicate with said bootstrap server, wherein data is retainable in said portable computer system upon powering off said portable computer system and retrievable in said portable computer system upon powering on.

The rejection states that Claims 11-16 encompass the same scope of the invention as that of Claims 5-10. As such, Claims 11-16 are also rejected for the same reasons as Claims 5-10.

Thus, Applicant respectfully asserts that the above presented arguments with rationale with reference to Claim 5 are applicable to Claim 11 and are incorporated herein.

Continuing, the rejection describes that AAPA has disclosed in Figure 1 as a prior art that the communication between a PDA and desktop is done via a cradle device. Applicant agrees with the rejection in that a cradle can be used to enable communication between a PDA and another computer system.

However, in Claim 11, Applicant recites a means for restoring basic function to a portable computer system in which communication between a portable computer system and a server is facilitated without use of a cradle device, as claimed. Implementing the cradle in AAPA (Figure 1) as suggested in the rejection would thereby teach away from the limitations of Claim 11.

As understood by Applicant, AAPA teaches away from the claimed limitations. Further, AAPA does not, alone or in combination with Abdous in view of Schwitters, arrive at the limitations of Claim 11.

For the foregoing rationale including those with reference to Claim 5, the limitations of Claim 11 are neither taught, suggested, or described by Abdous, in view of Schwitters, in further view of AAPA, in further view of Boothby, alone or in combination. As such, allowance of Claim 11 is respectfully solicited.

Claims 12-16 depend from Claim 11, which is to be believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 12-16 has been overcome and their allowance is earnestly solicited.

CLAIM 22

Claim 22 recites:

A method of restoring basic functionality to a device comprising the steps of:

a) providing a portal to bootstrap a portable electronic device such that basic functionality is restored to the portable electronic device;

b) receiving a request from the portable electronic device for synchronization over said portal; and

c) synchronizing said bootstrap server with the portable electronic device, wherein said bootstrap server uses synchronization software which is compatible with a core set of communication functions stored in said portable electronic device's non-volatile memory, said synchronizing comprising transferring first software from said bootstrap server to a volatile memory unit of said portable electronic device, wherein said portable electronic device regains basic functionality, and wherein said portable computer system retains said first software and other data transferred thereto upon powering off of said portable computer system, and makes available said data upon powering up said portable computer system.

The rejection states that in reference to Claims 22-25 and 28-29, Claims 22-25 and Claims 28-29 encompass the same scope of the invention as that of Claims 5-16. The rejection states that Claims 22-25 and Claims 28-29 are rejected for the same reasons as Claims 5-16.

Thus, Applicant respectfully asserts that the above presented arguments and rationale with reference to Claim 5 are applicable to Claim 22 and are incorporated herein.

For the above rationale with reference to Claim 5, the limitations of Claims 22 are neither taught or suggested by Abdous, in view of Schwitters, in further view of Boothby, alone or in combination. As such, allowance of Claim 22 are respectfully and earnestly solicited.

Further, Claims 23-25, 28, and 29 depend from Claim 22, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 23-25, 28, and 29 has been overcome and their allowance is earnestly solicited.

CLAIMS 26 and 27

With regard to Claims 26 and 27, the rejection states that Fawcett describes sending software from the list of computer software available for installation on the remote computer.

Abdous teaches away from the combining of Fawcett to arrive at the claimed limitations of Claim 26. Abdous requires no magnetic disk for long term data storage and restricts data to be stored in volatile memory, e.g., RAM. Abdous thus describes no installation of software into long term data storage. Fawcett describes displaying a menu of software that is to be installed into a magnetic disk in the computer system. Claim 26 recites "further comprising sending a menu of installable software to said portable electronic device." Thus since the software in the menu of Fawcett is for installation on a magnetic disk, and Abdous does not teach or suggest software storage other than in RAM, the combination of Abdous in view of Fawcett is contraindicated.

Abdous also teaches away from the combining of Fawcett to arrive at the limitations of Claim 27. Fawcett, as understood by Applicant, describes a magnetic disk for installing the software programs selected from the supplied menu. Fawcett, understood by Applicant, describes a remote computer having secondary storage taking the form of long term storage, including magnetic disks (Column 4, lines 37-41). Thus, as understood by Applicant, Abdous teaches away from Fawcett in that

Abdous requires no long term data storage and Fawcett requires long term data storage for installation of software programs. Thus, Applicant respectfully asserts that the combination of Abdous, in view of Schwitters, in further view of Boothby, in further view of Fawcett is contraindicated.

Applicant asserts similar rationale with reference to Claim 5 and Claim 11 as applied to Abdous, in view of Schwitters and in view of Boothby are applicable and are incorporated herein.

Thus, Claims 26 and 27 depend from Claim 22, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 26 and 27 has been overcome and their allowance is earnestly solicited.


CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected Claims is requested. Based on the remarks and arguments presented above, it is respectfully submitted that Claims 5-16, and 22-29 overcome the rejections of record. Therefore, allowance of Claims 5-16 and 22-29 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

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